

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32129 of 2023

Arising Out of PS. Case No.-209 Year-2022 Thana- NAWADA District- Nawada

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DIPAK KUMAR @ CHINTU Son of Braj Nandan Singh Resident of village -
Hasanpur, P.S. - Mohanpur, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kanchan Kumari

For the Opposite Party/s : Mr.Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-06-2023 Learned counsel for the petitioner is permitted to

make necessary correction in para 12 of the bail petition during

the course of the day.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner seeks bail in connection with Nawada

Sadar Nagar P.S. Case No. 209 of 2022 registered for the

offences punishable under Sections 379 of the Indian Penal

Code.

As per prosecution case, on 09.03.2022, informant

did not find his Scorpio vehicle when he woke up in the

morning and hence, F.I.R. was lodged against unknown.

Learned counsel for the petitioner submits that

petitioner is not named in F.I.R. and his name has been



transpired in this case upon the confessional statement of co-accused Aayush which has no evidentiary value in the eye of law. Except confessional statement, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that the involvement of the present petitioner has not been proved even on the basis of CCTV footage. He further submits that petitioner is in custody since 07.12.2022 and bears criminal antecedent of four cases out of which petitioner is on bail in three cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Nawada in connection with Nawada Sadar



Nagar P.S. Case No. 209 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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